



**U.S. Department of Justice**

**Civil Rights Division**

JCP:LLC:MJG:CWH:BDB  
DJ 207-52-4

*Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530*

June 26, 2015

**Via Electronic Mail**

Gail M. Lolis, Esq.  
Deputy County Attorney  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, NY 11788-0099

**Re: Assessment of SCPD's Compliance with the Settlement Agreement**

Dear Ms. Lolis:

This letter is to provide you with the Department of Justice's current assessment of the Suffolk County Police Department's compliance with the Settlement Agreement between Suffolk County and the United States, effective January 2014. Since the beginning, SCPD has maintained a collaborative and professional approach to the compliance process. We appreciate the cooperation and effort that SCPD and Suffolk County leadership have thus far put into addressing the requirements of the agreement. The SCPD of today is different from the department that we initially investigated, but there is still work to be done. We and the community look forward to seeing the improvements that are to come.

In the months since reaching agreement, the Civil Rights Division and United States Attorney's Office for the Eastern District of New York have conducted multiple compliance visits, participated in numerous conference calls with SCPD, and provided technical assistance to SCPD, including direct access to DOJ consultants, on a broad range of compliance topics. Technical assistance has helped SCPD to increase capacities in a variety of areas, and although we expect that the collaborative process will continue as we move forward, the provision of technical assistance will lessen as we shift to the next level of compliance review. DOJ's role will now shift more substantially to assessment of compliance with agreement requirements.

In the attached table, we provide a compliance rating and comments for each provision of the agreement. The definition of each rating type is as follows:

- "Substantial Compliance" indicates that the County has achieved compliance with most or all components of the relevant provisions of the Agreement. (15 provisions)
- "Partial Compliance" indicates that the County has achieved compliance on some of the components of the relevant provisions of the Agreement, but significant work remains. (50 provisions)

- “Non-Compliance” indicates that the County has not met most or all of the components of the Agreement. (5 provisions)
- “Compliance Rating Pending” indicates that there is insufficient information to make an assessment or the provision is not yet ripe for evaluation. (7 provisions)

Please feel free to reach out to us if you have any questions. We look forward to returning to Suffolk County soon to continue the process.

Sincerely,

JUDITH PRESTON  
Acting Section Chief  
Special Litigation Section  
Civil Rights Division

KELLY T. CURRIE  
Acting United States Attorney  
Eastern District of New York

By: /s/Laura Coon  
Laura Coon  
Special Counsel  
Special Litigation Section  
Civil Rights Division

By: /s/Michael Goldberger  
Michael Goldberger  
Chief of Civil Rights  
Civil Division

cc: Commissioner Edward Webber  
Suffolk County Police Department

Sgt. Christopher Love  
Suffolk County Police Department

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<b>III. BIAS FREE POLICING</b>		
<p>a. SCPD will continue to deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, SCPD will ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, or sexual orientation, and in accordance with the rights, privileges, and immunities secured or protected by the Constitution and laws of the United States.</p>	<p>Partial Compliance</p>	<p>SCPD has taken good-faith steps towards drafting new policy language and developing training curricula that will reinforce equitable policing within the Department. SCPD should finalize some of these elements shortly. SCPD has developed policies that promise to increase access to services for limited English proficiency individuals; some of those policy changes have yet to be implemented. SCPD's efforts in community policing and outreach promise to pay dividends in fostering community trust. More time is required to determine whether those changes will result in the necessary outcomes.</p>
<p>b. Policies and Procedures</p>		
<p>i. SCPD will maintain implementation of a comprehensive policy prohibiting discrimination, including the denial of services, on the basis of race, color, ethnicity, national origin, religion, or sexual orientation in SCPD police practices.</p>	<p>Partial Compliance</p>	<p>SCPD has proposed language that would expand its policy commitment to bias-free policing. The United States has suggested refinements to the proposed language to ensure compliance with Paragraph III(b)(i) of the Agreement.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
ii. SCPD’s policy on bias-free policing will prohibit officers from using race, color, ethnicity, national origin, religion, or sexual orientation in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or persons.	Substantial Compliance	SCPD has proposed language regarding the use of the enumerated characteristics that would improve upon previous SCPD policies. The United States has suggested refinements to the proposed language to ensure compliance with Paragraph III(b)(ii) of the Agreement. SCPD will need to train officers on improved policies, implement practices that will guard against biased policing, and monitor to ensure that they are being carried out properly.
iii. SCPD policy will require that, within five days of receipt, SCPD will refer any complaint of discriminatory policing to IAB for a full investigation. Throughout the pendency of this Agreement, SCPD will also send a copy of any such complaint and material documenting the resulting investigation to the United States within five business days upon completion of the investigation.	Substantial Compliance	SCPD has revised its policies and practices consistent with the requirements of this section. We urge the Department to continue to vigilantly ensure that they are being implemented.
iv. SCPD officers who are found to have engaged in discriminatory policing will be subjected to disciplinary action and, where appropriate, will be referred for possible criminal prosecution.	Compliance Rating Pending	SCPD referred for prosecution the only case for which the Department independently identified the need for discipline or criminal referral. We continue to monitor this situation and any other complaints. SCPD informs us that it has not had any other instances where an officer has been found to have engaged in discriminatory policing; accordingly, no compliance rating can be assessed at this time.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>v. SCPD will maintain and implement a policy that promotes bias-free policing and equal protection within its hiring, promotion, and performance assessment processes. Officers who have a history of engaging in biased policing practices will not be entitled to promotional opportunities, except as required by collective bargaining laws and Civil Service Laws, rules and regulations.</p>	<p>Partial Compliance</p>	<p>SCPD reports that it is emphasizing bias-free policing in its recruitment, hiring, performance review, and promotions practices, although several of these measures have not been memorialized in policy. Specifically, SCPD informed us in its January 2015 Compliance Report that it has yet to implement the required policies fully. Accordingly, we have yet to review this policy, but will do so once SCPD provides us with the finalized version.</p>
<p>vi. SCPD will implement a revised Chapter 16, Section 4, “Arrest of Non-US Citizens and Persons with Dual Citizenship,” as approved by the United States.</p>	<p>Partial Compliance</p>	<p>SCPD has issued a revised policy regarding arrest of non-US citizens and persons with dual citizenship, which has been approved by the United States. SCPD will next need to provide evidence of successful implementation of this requirement.</p>
<p>vii. Six months after the Effective Date and every six months thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report showing civilian complaints regarding police services related to allegations of discrimination and biased policing, noting the disposition of each complaint, if any, the geographic area in which the alleged discrimination occurred, the demographic category involved, and what measures, if any, SCPD will take as a result of the analysis.</p>	<p>Substantial Compliance</p>	<p>SCPD has, to date, provided the required reports.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
c. Traffic Stop Data		
i. SCPD will implement a revised Chapter 13, Section 9, "Traffic Stop Data Collection," as approved by the United States.	Partial Compliance	SCPD has developed a revised policy for traffic stop data collection. Actual collection of the traffic stop data began in October 2014 and SCPD has not analyzed the data set yet. As the United States commented in June 2015, SCPD will need to make modifications to the data collection process. Accordingly, implementation of the program cannot be assessed as of yet.
ii. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States a report analyzing the collected traffic stop data and explaining what measures, if any, SCPD will take as a result of the analysis.	Non-Compliance	SCPD has yet to provide the report required under this section.
d. Training on bias-free policing		

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>i. SCPD will ensure that all sworn officers receive training on bias-free policing at least annually. SCPD’s training on bias-free policing will emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, is prohibited by policy and will subject officers to disciplinary action. The training curriculum will address:</p> <ol style="list-style-type: none"> <li>1. Methods and strategies for more effective policing that relies upon non-discriminatory factors;</li> <li>2. Police and community perspectives related to discriminatory policing;</li> <li>3. Constitutional and other legal requirements related to equal protection and unlawful discrimination;</li> <li>4. The protection of civil rights as a central part of the police mission and as essential to effective policing;</li> <li>5. The existence and impact of arbitrary classifications, stereotyping, and implicit bias;</li> <li>6. Identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and</li> <li>7. Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies.</li> </ol>	<p>Compliance Rating                      Pending</p>	<p>SCPD is still developing the necessary course curriculum in this area. The United States will continue to offer SCPD the assistance of our subject matter experts so that SCPD can develop an appropriate training curriculum.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
ii. SCPD will conduct cultural sensitivity training for all SCPD officers at least annually.	Compliance Rating Pending	See note regarding Section III.d.(i. above).
<b>IV. HATE CRIMES AND HATE INCIDENTS</b>		
a. Training		
i. SCPD will ensure that all officers receive hate crime and hate incident training at least annually. The training curriculum will address: 1. The elements of relevant crimes, including hate crimes and bias crimes; and 2. How to properly charge offenses and avoid the downgrading of crimes, including hate crimes and hate incidents.	Compliance Rating Pending	As SCPD has reported, it is currently developing the necessary training curricula, and has not yet provided this training. The United States is committed to continuing to work with the SCPD to help it develop the appropriate training.
b. Tracking and reporting		
i. SCPD will implement a policy to track, analyze and report patterns and trends regarding hate crimes and hate incidents.	Partial Compliance	In January 2015, SCPD produced an updated draft of the policy corresponding to this Paragraph of the Agreement. The draft policy strengthened areas about which the United States previously raised concerns. The United States raised a few additional questions about the revised version. Upon addressing these concerns and approving the revised policy, SCPD can be in Substantial Compliance.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>ii. Within one year of the Effective Date and annually thereafter, SCPD will produce a report mapping and analyzing for potential patterns and trends all hate crimes and hate incidents which have occurred over the previous six months. The report will detail SCPD’s planned response to any identified pattern or trend. Throughout the pendency of this Agreement, the report will be provided to the United States at least five business days before the report is made public.</p>	<p>Partial Compliance</p>	<p>In January 2015, SCPD presented a review of the hate crimes and hate incidents in Suffolk County in 2014. We requested important additional information about how the data is collected and maintained, and how SCPD analyzes for trends and patterns.</p>
<p>c. Quality assurance            i. SCPD will implement a policy describing its HCU quality assurance process that ensures that HCU investigations follow proper techniques and procedures.</p>	<p>Partial Compliance</p>	<p>In January 2015, SCPD produced a revised draft of its policy defining the parameters of hate crimes audits. The audit process and the detail with which it is described in the policy both appear thorough. The United States requested only two clarifications. Upon addressing these concerns and approving the policy, SCPD can be in Substantial Compliance.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>ii. Six months after the Effective Date, and every six months thereafter throughout the pendency of this agreement, SCPD will forward to the United States a report describing all random audits of HCU investigations completed within the current six-month time period and any corrective actions planned or taken as a result of the audits.</p>	<p>Partial Compliance</p>	<p>SCPD has twice timely submitted reports corresponding to this Paragraph of the Agreement. In both reports, the Commanding Officer of the SCPD Hate Crimes Unit affirmed his review of a selection of hate crimes investigations, and summarized the cases reviewed. In the latter report, the Commanding Officer concurred with the result of each of the investigations reviewed. Both reports were helpful, and the second report responded to a request by the United States to provide more detail about the investigations and the casefile.</p> <p>Notwithstanding the value of the reports provided in the first two compliance periods, we believe additional information is critical to the report. In particular, the reports should include the criteria used by the Commanding Officer to evaluate each case for accuracy and completeness.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<b>V. LANGUAGE ASSISTANCE</b>		
a. SCPD policy will require the following:		
i. A current Language Access Plan that explains how SCPD will implement its policies and procedures to provide meaningful access to police services. This plan will be updated at least annually.	Partial Compliance	SCPD approved the current version of its Language Access Plan (Rules & Procedures Chapter 26, Section 6) in August 2014. The policy has a number of strengths, and SCPD appears to be approaching its annual review in good faith, as it recently forwarded the United States a proposed updated draft which we have commented on in a separate letter dated June 22, 2015.
ii. Translations of the Language Access Plan and Policy into Spanish and other non-English languages as appropriate and posting in a public area of the police department building, on its website, and in any other locations throughout the County where individuals go to seek police assistance.	Partial Compliance	SCPD policy provides for the posting of the Language Access Plan in relevant locations; policy should also require updated translations of the Plan (i.e., it should be listed under the vital documents requiring translation). SCPD has appropriately translated and posted the LAP in Spanish. SCPD needs to translate the Policy into Spanish, and provide an appropriate plan for translating the LAP into any other languages.
iii. Distribution of the Language Access Plan and Policy to all SCPD staff and to community organizations serving LEP communities encountered by SCPD.	Substantial Compliance	SCPD policy provides for this and to date SCPD has conducted fairly widespread distribution of the LAP and Policy. We encourage SCPD to continue to identify additional distribution points.

<b>SETTLEMENT AGREEMENT REQUIREMENT</b>	<b>COMPLIANCE RATING</b>	<b>COMMENTS</b>
<p>iv. Availability of Citizen Complaint/ Compliment forms in Spanish and other common non-English languages in all precincts and on SCPD’s website for both completion and submission.</p>	<p>Partial Compliance</p>	<p>SCPD policy contains the relevant language. SCPD has translated this form into Spanish, and has made hard copies available in its precincts. SCPD is undertaking the steps to fulfill compliance with this Paragraph, including online submission of complaints/compliments and translation of the form into other non-English languages, as appropriate.</p>
<p>v. Translation of all vital written documents and materials, shall be consistent with DOJ Guidance, in order to ensure that LEP individuals in the community have meaningful access to such documents and materials.</p>	<p>Partial Compliance</p>	<p>SCPD has made major strides towards substantial compliance, but additional documents remain to be translated into Spanish and all documents need to be translated into additional languages.</p>
<p>vi. Translation of any citizen correspondence received that is in a non-English language. If that correspondence when translated would be considered a citizen complaint, then the information as translated will be processed in the same manner as are citizen complaints originally received in English.</p>	<p>Substantial Compliance</p>	<p>The Language Access Plan has incorporated this Paragraph into policy. The policy provides that authorized interpreters shall translate the correspondence; this should be changed to ”authorized translators.” SCPD also reports that all non-English correspondence has been translated, and none of the correspondence would be considered a complaint.</p>

<b>SETTLEMENT AGREEMENT REQUIREMENT</b>	<b>COMPLIANCE RATING</b>	<b>COMMENTS</b>
vii. Availability of bilingual operators for complaint phone lines or a dedicated Spanish complaint phone number. SCPD will indicate on its Spanish-language Compliment/Complaint form that the phone operator speaks Spanish.	Compliance Rating Pending	During the March site visit, we had an opportunity to learn more about the dedicated phone line that can receive telephone complaints in Spanish. We learned that very few calls have been received and thus, it is premature to assess compliance at this point in time. Going forward, there should be an increase in Spanish language complaints. If not, the SCPD will need to determine what else needs to be done (in terms of outreach) to draw in unreported complaints or compliments from the Spanish-speaking community.
viii. Objective oral language proficiency standards and annual proficiency testing for all IAB members who are designated as “Spanish-speaking” or as speaking a non-English language.	Compliance Rating Pending	As part of the finalization of the DAI authorization and certification process, we understand that the SCPD will implement annual proficiency testing of Spanish-speaking Internal Affairs personnel. It is critical that bilingual skills are not conflated (or confused) with interpretation skills. Likewise, in terms of bilingualism, recognizing that these personnel will likely encounter both written and spoken Spanish communications, the assessment should cover both oral and written Spanish proficiency.
ix. Recording and periodic auditing of phone calls through the multi-language toll-free complaint hotline.	Partial Compliance	SCPD indicated in its January 2015 report that it is recording phone calls. However, auditing has yet to occur.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>x. Documentation of the use of any interpreter used when conducting a field interview or interrogation of an LEP individual, including the following:</p> <ol style="list-style-type: none"> <li>1. the date;</li> <li>2. the location;</li> <li>3. the full name of the interpreter;</li> <li>4. the non-English language spoken by the interpreter;</li> <li>5. the relationship (if any) of the interpreter to the LEP individual;</li> <li>6. contact information for the interpreter, including telephone numbers, email and postal address;</li> <li>7. the name of the witness, victim, and subject person requiring an interpreter to the extent not prohibited by privacy laws; and</li> <li>8. a summary of any action taken.</li> </ol>	<p>Partial Compliance</p>	<p>SCPD has implemented a policy which requires officers to document the use of interpreters. However, the completion of these forms is inconsistent and some additional training may be warranted.</p>
<p>b. SCPD will revise “Language Line Translating and Interpreting Service,” Order Number 09-117, as follows:</p> <ol style="list-style-type: none"> <li>i. The order will use the term “interpretation” to refer to oral communication, and “translation” to refer to written communication. As written, the order uses both terms interchangeably.</li> </ol>	<p>Substantial Compliance</p>	

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>c. SCPD will modify its practices and implement the revised Chapter 26, Section 5, “Persons with Limited English Proficiency,” as approved by the United States.</p>	<p>Partial Compliance</p>	<p>SCPD has drafted a new R&amp;P 26.5, and we are working with SCPD to finalize that policy so that it can implement it going forward.</p>
<p>d. SCPD will ensure that the home page of its website states, in at least Spanish, how to access language assistance services and Spanish translations of SCPD policies and other relevant information.</p>	<p>Partial Compliance</p>	<p>The Forms &amp; Reports page should include Spanish forms, even though there is a separate Spanish language site. Also, as noted above, we question the selection of Traditional Chinese. It may be important to also have them in Simplified Chinese. In addition, every form in every language should include a document footer with the last update date, document title, and language.</p> <p>In the next compliance report, we look forward to hearing what the Police Technologies Bureau has learned regarding to the necessary measures to update and reorganize the SCPD website to make it more user friendly and to facilitate multi-language functionality.</p>
<p>e. SCPD will maintain effective incentives for bilingual employees to become SCPDAIs, including assignments, promotions, and other means available to the County.</p>	<p>Non-Compliance</p>	<p>SCPD has yet to propose any particular incentives.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>f. Within 90 days of the Effective Date, SCPD will implement a process of consultation with representatives of the Latino community to develop and annually review: implementation of the Language Access Policy, including areas of possible collaboration to ensure its effectiveness; accuracy and quality of SCPD language assistance services; and concerns, ideas, and strategies for ensuring language access. This process will be reviewed and approved by the United States prior to its implementation.</p>	<p>Partial Compliance</p>	<p>SCPD has conducted some meetings with community representatives. However, the plan for engaging the community is not fully developed and SCPD has not been fulfilling its own goals of meeting regularly.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>g. Within 180 days of the Effective Date, and annually thereafter, SCPD will provide at least four hours of training to all personnel on providing language assistance services to LEP individuals. This training will include:</p> <ul style="list-style-type: none"> <li>i. SCPD’s LEP plan, policies, and procedures and the requirements of Title VI and this Agreement;</li> <li>ii. How to identify the non-English language and language assistance needs of an LEP individual during an in-person or telephone interaction;</li> <li>iii. How to access SCPD-authorized, telephonic and in-person interpreters;</li> <li>iv. How to work with interpreters in the field and assess interpreter quality;</li> <li>v. How to account for cultural diversity and language barriers in policing; and</li> <li>vi. Basic command terms and phrases in Spanish for officers assigned to patrol in areas with significant Spanish-speaking populations.</li> </ul>	<p>Non-Compliance</p>	<p>SCPD has yet to begin this training.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>h. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will conduct a satisfaction survey of representatives from the Latino community regarding SCPD’s LEP efforts. SCPD will partner with local Latino advocacy groups in order to conduct the survey. SCPD will produce a report analyzing the results of each survey and detailing what measures, if any, SCPD will take as a result of the analysis. Each report will be provided to the United States throughout the pendency of this Agreement at least five business days before it is made public.</p>	<p>Partial Compliance</p>	<p>SCPD reports that it has distributed surveys and has received more than 1,000 completed forms. However, as noted above, engagement with community groups is not at the level it should be. Further, SCPD has yet to analyze the results or report on measures it intends to take in response to the survey results (they say that the CRB report satisfies this requirement—we should discuss; I don’t think it really does).</p>
<p><b>VI. ALLEGATIONS OF POLICE MISCONDUCT</b></p>		

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
a. Reporting misconduct		
i. SCPD policy will require that all members have the duty to report allegations of discriminatory policing to a supervisor or to the IAB. Failure to report or document allegations of misconduct will be grounds for disciplinary action.	Partial Compliance	<p>In its January 2015 Compliance Report, SCPD cites a draft of R&amp;P Chapter 5, Section 2, which requires that suspected violations be referred to an officer in charge, and that allegations of discriminatory policing be referred to IAB within 48 hours. However, this policy should also specifically reference discriminatory policing in the purpose section.</p> <p>The draft of R&amp;P 5.2 also does not state that failure to report or document allegations of misconduct will be grounds for discipline. Requiring SCPD members to reference and interpret the R&amp;P section on “Police Mission” is too indirect a means of addressing this issue to constitute compliance.</p>
ii. SCPD policy will ensure that all complaints are investigated even if the complainant does not submit the complaint on an actual SCPD complaint form.	Partial Compliance	SCPD has created the required policy. The United States will continue to monitor how this policy is being implemented.
iii. SCPD policy will explicitly permit parties other than victims to file complaints with the HCU, with the IAB, with any officer, or at any SCPD precinct. Complaints regarding hate crimes or hate incidents will be forwarded to an HCU investigator for review and investigation.	Partial Compliance	<p>The language of R&amp;Ps 5.2 and 24.6 that SCPD cites complies with the spirit of this requirement.</p> <p>We further recommend that SCPD conduct outreach, particularly to minority communities, to ensure that members of the community know that this option is possible.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
b. Investigation of Misconduct		
i. SCPD policy will ensure that all allegations of officer misconduct relating to discriminatory policing, regardless of the manner in which reported, will be forwarded to IAB no later than 48 hours from receipt.	Partial Compliance	SCPD has created the required policy. The United States will continue to monitor how this policy is being implemented.
ii. Within 180 days of the Effective Date, SCPD will review the staffing of IAB and ensure that individuals currently serving as or who are selected for IAB possess excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective. Supervisors with a sustained complaint of, or who have been disciplined for, excessive use of force, sexual harassment, discrimination, or dishonesty will be presumptively ineligible from assignment to IAB.	Partial Compliance	SCPD conducted a staffing review. During an on-site visit, SCPD disclosed to the United States that it had conducted a more detailed review, but the review was never produced.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>iii. SCPD policy will require that each IAB investigation of officer misconduct relating to discriminatory policing be reviewed by the Police Commissioner or his designee.</p>	<p>Substantial Compliance</p>	<p>SCPD has created the required policy, and the Commissioner acknowledges his concurrence with completed discriminatory policing investigations by signing them.</p> <p>SCPD’s documentation of chain-of-command review of completed investigations could better capture the substance of that review. SCPD personnel explained during the United States’ visit that the Commissioner and Chief of Department conduct a substantive review and provide direction on certain investigations. This should be documented. We recommend that SCPD use a log to capture the supervisors’ comments, and that this procedure be embodied in policy.</p>
<p>iv. Per SCPD policy, the Department will maintain a tracking system for all misconduct allegations relating to discriminatory policing that does not rely on personal identifiers. Upon receipt of such an allegation, SCPD will assign a unique numerical identifier to the complaint, which will be provided to the complainant at the time the allegation is made. SCPD will use the centralized numbering and tracking system to track data regarding the number, nature, and status of such misconduct allegations, from initial intake to final disposition, including investigation timeliness and the complainant’s notification of the interim status and final disposition of the investigation.</p>	<p>Partial Compliance</p>	<p>SCPD has created a tracking system for misconduct allegations regarding discriminatory policing that does not require personal identifiers. The United States will conduct an on-site review to assess how SCPD is gathering the data generated by this system and how it is analyzing that data and using it to identify and address problems.</p>

<b>SETTLEMENT AGREEMENT REQUIREMENT</b>	<b>COMPLIANCE RATING</b>	<b>COMMENTS</b>
v. SCPD will maintain protocols to analyze and address trends in complaints relating to discriminatory policing, including demographic data, lodged against SCPD officers.	Partial Compliance	SCPD has attempted to analyze and trend the data. However, no protocol upon which the analysis was based was provided. The protocol that is developed should be useful to SCPD for planning and problem solving and not just for data analysis.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>vi. Six months after the Effective Date, and every six months thereafter during the pendency of this Agreement, and thereafter every year, SCPD will conduct reviews of randomly-chosen, completed misconduct investigations relating to discriminatory policing. SCPD must review at least 20 percent of all completed misconduct investigations since the last review. The reviews will be conducted by the Police Commissioner or his/her designee, but not an involved individual, and will require contacting the complainant to ensure the investigation was handled in a professional and thorough manner. Dissatisfaction with the results of the investigation will be documented and the case may be reopened if the complainant discloses credible new facts which would support allegations not addressed in the original complaint. Throughout the pendency of this Agreement, the results of each review will be forwarded to the United States within five business days of its completion.</p>	<p>Partial Compliance</p>	<p>SCPD has conducted three such reviews. We will assess additional reviews during the course of the pendency of the Agreement.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<b>VII. COMMUNITY ENGAGEMENT</b>		
<p>a. In all of its policing operations, SCPD will maintain robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and community confidence in the Department. SCPD will maintain community and problem-oriented policing principles in its policing operations. SCPD will also engage the public through the dissemination of public information on a regular basis. SCPD and the County will maintain systems to ensure comprehensive, effective, and transparent oversight of SCPD.</p>	<p>Partial Compliance</p>	<p>SCPD has taken significant strides toward better community engagement, but more work needs to be done.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
b. Community Liaison Officers		
i. SCPD policy will ensure that a Community Liaison Officer is assigned to each of the Department's seven precincts. A preference for selection and assignment of each Community Liaison Officer shall be given to a sworn officer fluent in both English and a second language commonly spoken in the relevant community, if any. Each Community Liaison Officer will have training in the nature and scope of federal and state civil rights laws as applied to law enforcement activity.	Partial Compliance	The United States is pleased that SCPD has created CLO positions throughout the precincts and within the Community Relations Bureau. We look forward to seeing these officers continue to address community concerns throughout Suffolk County, and for SCPD to finalize its policies and training with respect to these important positions. SCPD should assess whether it requires additional bilingual CLOs; it reports that at present, only two out of eight are fluent in Spanish.
ii. SCPD will ensure that the contact information and duty hours of the Community Liaison Officers are publicly available on its website. Community Liaison Officer hours of availability for contact with the public will be during normal business hours.	Partial Compliance	SCPD has posted contact information and duty hours for the CLOs on its website. However, the website indicates inaccurately that officers are available from 9 A.M. to 10 P.M. daily. The website should be revised accordingly. Further, we recommend that the SCPD develop a separate link on the SCPD website which indicates monthly availability, which should include nights and weekends to attend events and meetings.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>iii. Each Community Liaison Officer’s duties will include the following:</p> <ol style="list-style-type: none"> <li>1. Arranging monthly meeting of community residents to discuss issues and ask questions regarding the police department. The meeting will be attended by the Community Liaison Officer, at least one senior SCPD command staff member, and at least one officer responsible for patrolling in that particular precinct.</li> <li>2. Each Community Liaison Officer will review, on a monthly basis, all concerns submitted to SCPD by members of his or her precinct to assess community issues. For those concerns that do not rise to the level of requiring formal action under SCPD policy, the Community Liaison Officer will notify the complainant that the Community Liaison Officer is available to answer the complainant’s questions and respond to any further community concerns. The Community Liaison Officer will refer complaints of police misconduct relating to discriminatory policing to IAB.</li> <li>3. Each Community Liaison Officer will meet at least once every six months with the respective bureau commander. During these meetings, the Community Liaison Officer will communicate any concerns or issues that he or she has received during the previous six months, along with any other relevant information pertaining to SCPD’s</li> </ol>	<p>Partial Compliance</p>	<p>SCPD is holding monthly community meetings as per this requirement. However, SCPD has not provided information documenting biannual meetings between CLOs and bureau commanders. If such documentation exists, please produce it. We further recommend that CLOs try to ensure appropriate interpretative services are available at the monthly community meetings.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>c. Community Oriented Policing Enforcement (“COPE”)</p>		
<p>i. SCPD policy will define COPE officers as those who will be assigned to a specific area as a liaison between the community and the police department to assist the community in solving neighborhood problems.</p>	<p>Substantial Compliance</p>	<p>Each precinct has two COPE officers who act as liaisons to the community and assist in addressing community problems. They are no longer assigned sector car or patrol duties.</p>
<p>ii. SCPD policy will ensure that all COPE officers engage in routine community policing and community outreach, which may include: attending neighborhood association meetings to provide input or answers, attending school functions to educate children about safety and crime prevention, assisting the community in solving non-emergency problems, addressing community decay issues (abandoned and junk vehicles, graffiti, abandoned residences and buildings, code enforcement violations, illegal dumping), meeting with business owners to provide input or answers, and helping the community to become self-reliant. While COPE officers may be called upon to enhance patrol efforts, this duty should be in relation to a particular community-generated request, need or identified problem and not as routine duty.</p>	<p>Partial Compliance</p>	<p>Although we observed some activities of COPE officers consistent with this requirement, there is insufficient documentation of COPE officer activities. COPE officers should be able to demonstrate on a weekly, if not daily, basis, their interactions with the public and the results thereof. We also recommend that COPE officers be given sufficient flexibility to allow them to attend meetings on weekends and evenings, as needed.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>iii. SCPD policy will ensure that all COPE officers engage with individuals in their respective patrol areas; <i>e.g.</i>, COPE officers assigned to patrol units in business districts should interact with business owners, and COPE officers assigned to patrol school and residential areas should interact with school personnel and residents, respectively.</p>	<p>Partial Compliance</p>	<p>See comments to Section VII.c.ii. above.</p>
<p>iv. SCPD policy will require COPE officers to submit to their supervisors a monthly activity report documenting the amount of time they dedicated to community-oriented policing activities, the type of community-oriented activities in which the officers have engaged, and listing the organizations and individuals the officers have contacted.</p>	<p>Non-Compliance</p>	<p>SCPD needs to develop and implement a form that is useful for planning and problem solving, not just documentation of meetings attended.</p>
<p>d. Community Response Bureau</p>		
<p>i. Within 90 days of the Effective Date, SCPD will develop and provide to the United States for review a policy that details the CRB's plan for engaging with the Latino community.</p>	<p>Partial Compliance</p>	<p>SCPD produced a policy in April 2014 and the United States provided comments.</p>
<p>ii. SCPD policy will ensure that each precinct has an officer representing it in the CRB.</p>	<p>Substantial Compliance</p>	

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>iii. Within 90 days of the Effective Date, SCPD will develop a survey instrument in order to solicit assessments of the CRB’s success in engaging the Latino community. Additionally, each quarter SCPD will ask community and political leaders within the Latino community to critique CRB programs and initiatives. SCPD officers involved in administering CRB programs will also quarterly analyze participation and results.</p>	<p>Partial Compliance</p>	<p><i>See notes in Section V.h.</i></p>
<p>iv. Using and analyzing feedback from the above sources, SCPD will produce reports annually that identify CRB successes as well as areas in need of improvement and a strategy for making such improvements. SCPD will provide to the United States copies of these reports throughout the pendency of this agreement within five business days of their completion. Within ten business days of their completion, the reports will be made available to the public, unless SCPD demonstrates a good faith reason for non-disclosure.</p>	<p>Partial Compliance</p>	<p>SCPD produced the first CRB report with its January 2015 report. That report was largely consistent with this requirement.</p>
<p>v. One year after the Effective Date and annually thereafter throughout the pendency of this Agreement, SCPD will provide to the United States reports summarizing issues addressed at community meetings and SCPD responses.</p>	<p>Partial Compliance</p>	<p><i>See notes regarding Section VII.d.iv above.</i></p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
e. Community Outreach		
i. SCPD policy will continue to ensure that the Police Commissioner or designated high ranking officer(s) meet with key leaders in Latino and other minority groups on a regular basis both at SCPD-sponsored meetings and at meetings held by minority groups.	Partial Compliance	Although the Commissioner and his First Deputy have met with Latino community members, these meetings have not been regular or sufficiently numerous. We encourage the Commissioner and Deputy Commissioner to attend more meetings at which issues relating specifically to minorities and policing issues are discussed. In particular, we urge that the Commissioner ensure that he attend quarterly meetings with his advisory group at least four times per year.
ii. SCPD will continue its outreach programs to all members of the community ( <i>e.g.</i> Police Athletic League, English as Second Language classes, etc.) with the assistance of bilingual SCPD officers.	Partial Compliance	SCPD's outreach program continues to engage organizations such as the Police Athletic League, but the program needs to be augmented in order to reach all members of the community.
iii. SCPD will engage the Latino community on an informal basis through community events in an effort to maintain a good relationship with the Latino community.	Partial Compliance	SCPD is engaging in these activities; we encourage it to continue to grow the established programs and create new ones.
iv. SCPD will solicit and receive input from the Community Advisory Board regarding the development of Spanish language training.	Partial Compliance	SCPD reports that it has met with its advisory board regarding Spanish language training.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
v. SCPD will provide Spanish language learning opportunities for officers as well as sensitivity and diversity training, including presentations administered by Suffolk-based or local Latino organizations.	Partial Compliance	Although SCPD has taken some steps in this regard, sensitivity and diversity training is still in development, and it is unclear to what extent Suffolk based or local Latino organizations have been included in this process.
vi. All non-confidential audits and reports related to the implementation of this Agreement will be made publicly available via the SCPD website and at the Police Department, County headquarters, and other public locations, to the fullest extent permissible by law.	Substantial Compliance	SCPD has posted reports on its website related to implementation of this agreement.
vii. SCPD will collect and maintain all data and records necessary to facilitate and ensure transparency and wide public access to information related to SCPD decision making and activities, as permitted by law.	Partial Compliance	SCPD has begun to collect and analyze data in many areas. However, as noted above and in SCPD's own reports, identification of pertinent data to be collected, collection of that data and analysis of that data is ongoing in many areas.
f. Social media and notification systems		

<b>SETTLEMENT AGREEMENT REQUIREMENT</b>	<b>COMPLIANCE RATING</b>	<b>COMMENTS</b>
<p>i. Within 180 days of the Effective Date, to the extent SCPD uses social media and related publishing systems, such as Nixle, to provide community members with information that includes emergency alerts, safety tips, and other public safety information, SCPD will ensure that messages that are broadcast in English are also provided in Spanish or, to the extent practicable, any other non-English language commonly spoken by community members, consistent with the requirements of Title VI.</p>	<p>Substantial Compliance</p>	
<p>ii. SCPD will advertise the availability of such publishing systems to the community using local and social media.</p>	<p>Substantial Compliance</p>	
<b>VIII. POLICIES AND TRAINING GENERALLY</b>		
<p>a. SCPD will maintain policies and procedures that are consistent with this Agreement and that provide clear direction to ensure that officers and civilian employees enforce the law effectively, ethically, and constitutionally. SCPD will ensure that all SCPD officers and employees are trained and able to fulfill their duties and responsibilities pursuant to SCPD policies and procedures.</p>	<p>Partial Compliance</p>	<p>As set forth above, SCPD has revised some of its policies consistent with this Agreement, but others remain in need of revision, and training needs to be conducted to ensure appropriate implementation.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>b. After undergoing any training required by this Agreement, SCPD will ensure that all officers who take such training will be required to pass a test demonstrating a basic comprehension of the training material after it is presented.</p>	<p>Compliance Rating Pending</p>	<p>The SCPD training curricula the United States has reviewed do not yet meet the requirements of the Settlement Agreement. Accordingly, at the United States' request, SCPD has not delivered the trainings. Testing on the trainings will be required upon their delivery.</p> <p>SCPD should take steps to ensure that each training curriculum is accompanied by a test that will assess comprehension.</p>
<p>c. SCPD policies and procedures will define terms clearly, comply with applicable law, and comport with best practices.</p>	<p>Partial Compliance</p>	<p>SCPD continues to work to achieve this standard.</p>
<p>d. SCPD will apply policies uniformly and hold all officers accountable for implementing and complying with SCPD policies and procedures.</p>	<p>Partial Compliance</p>	<p>SCPD continues to work to achieve this standard.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>e. Upon request, SCPD will make available to the United States any policy the United States wishes to review. All policies and training curricula required by this Agreement will be provided to the United States for review within five business days of completion or modification. Within 60 days of receipt of any policy or training curricula for review, the United States will notify SCPD of any concerns it has regarding compliance with this Agreement, the Constitution, or federal law. SCPD will revise, modify, or delete any policy or training curricula required by this Agreement that the United States finds to be deficient unless SCPD shows, to the satisfaction of the United States, that it need not do so. If the parties disagree, the parties will attempt to resolve their differences in good faith.</p>	<p>Substantial Compliance</p>	<p>SCPD has responded timely and appropriately to document requests. Training curricula and policies have largely been provided to the United States timely upon completion or modification. In certain cases, the United States has provided substantial commentary on training curricula, and SCPD did not respond with related modifications.</p>
<p>f. SCPD will implement a mechanism to ascertain whether policies required by this Agreement are being followed and to measure the success of the revised, modified, or newly created policies and procedures. The mechanism will incorporate measuring officer accountability and seeking community input as part of its metrics.</p>	<p>Partial Compliance</p>	<p>SCPD has developed mechanisms to test discreet aspects of the implementation of the Settlement Agreement, such as spot-checking precincts to ensure that citizen complaint forms are displayed in Spanish. SCPD has not produced the comprehensive mechanism described in this section.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
g. SCPD will ensure that all policies and procedures are available to SCPD members in an electronic format.	Substantial Compliance	SCPD has made these documents available to members through an electronic platform.
h. SCPD will ensure that all revised or modified policies, procedures, directives, or orders are provided to SCPD members in a manner that clearly highlights or distinguishes any modification or change within the text of the policy itself.	Substantial Compliance	
i. After issuing a Rule and Procedure pursuant to this Agreement, SCPD will ensure that all SCPD personnel have received, read, and understand their responsibilities pursuant to the revised policy or procedure, including the requirement that each officer or employee report violations of policy. SCPD officers will be required to demonstrate that they understand the revised Rule and Procedure. SCPD will also ensure that all officers know that, if they need clarification of a Rule and Procedure, they should consult with their supervisor.	Partial Compliance	SCPD continues to work to achieve this standard.

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>j. SCPD will review each Rule and Procedure required by this Agreement within one year after it is implemented, and at least annually thereafter to ensure that the policy or procedure provides effective direction to SCPD personnel and remains consistent with the Constitution, current law, and best practices. Each policy will be marked with the next date for review.</p>	<p>Non-Compliance</p>	<p>This rating may change pending information to be provided by SCPD with the next self report.</p>
<p>k. SCPD will ensure that Rules and Procedures made pursuant to this Agreement, including policy updates and revisions, are made available on its website in both English and Spanish and any other language commonly spoken within the community within 180 days of the Effective Date. Subsequently, Rules and Procedures made pursuant to this Agreement will be made available on SCPD’s website in both English and Spanish within 60 days of each policy’s Effective Date. SCPD may seek the United States’ permission not to post particular Rules and Procedures on the website if SCPD provides a reasonable basis for its request.</p>	<p>Partial Compliance</p>	<p>SCPD continues to work to achieve this standard.</p>

SETTLEMENT AGREEMENT REQUIREMENT	COMPLIANCE RATING	COMMENTS
<p>l. SCPD will check its website for accuracy, formatting, and ease of comprehension within 90 days of the Effective Date and then at least annually. SCPD will ensure that all applicable Rules and Procedures on the SCPD website are translated by a competent translator.</p>	<p>Partial Compliance</p>	<p>SCPD is dedicating energy to reviewing and updating its website’s information and presentation thereof. SCPD has placed links to the Language Access Plan, including a Spanish version, and the Complaint/Compliment form on the website’s homepage. The website also features links to a Spanish-language information page that includes a number of translated documents.</p> <p>SCPD can still improve the website’s navigability and more rigorously update posted documents to reflect current policies and forms.</p>
<p>m. SCPD should ensure that policies are not duplicative or redundant and that when policies are updated, the policies they replace are no longer used and no longer referenced in other policies, practices, training materials and other department documentation.</p>	<p>Partial Compliance</p>	<p>Duplicative or outdated policies have not presented a concern in SCPD’s compliance activities to date. However, SCPD is still working to bring its policies into compliance with the terms of the Settlement Agreement. SCPD should take care to avoid duplication in particular instances – for example, where SCPD is moving content from an existing policy into a new, stand-alone policy dedicated to a narrower topic.</p>